

June 23, 2011

Mr. Ford called the regular meeting of the Union Township Planning Board/Board of Adjustment to order at 7:00 p.m. The Sunshine Statement was read.

Members Present: Ms. McBride, Mr. Nace, Mrs. Corcoran, Mr. Badenhausen,
Mr. Ryland, Mr. Taibi, Mr. Ford

Members Absent: Mr. Bischoff, Mr. Walchuk, Mr. Kastrud, Mr. Kirkpatrick

Others Present: Atty. Maziarz, Robert Clerico

Approval of Minutes: Mr. Nace made a motion to approve the minutes of the May 12, 2011 workshop. Mr. Badenhausen seconded the motion.

Vote: All Ayes, No Nays, Motion Carried

Mrs. Corcoran made a motion to approve the minutes of the May 26, 2011 meeting. Mr. Nace seconded the motion, with a correction. **Bonnell Properties LLC**., p.2 should state that Mr. Kirkpatrick said removal of an historic resource from the Municipal boundary would be inconsistent with the Master Plan.

Vote: All Ayes, No Nays, Motion Carried

Renewable Energy Ordinance: Mr. Ford apprised the Board of changes that occurred after the Board recommended to the Committee that the Ordinance be adopted. Committeewoman Dziubek had questions regarding decibel levels and the calculation of percentage on farm-assessed lands. Mr. Hintz's office provided a revised Ordinance, which changed the decibel level to 55 at the property line during the day and 40 decibels at night. The calculation on farm-assessed land is based on the State Statute, which has a ratio of one acre devoted to a solar facility for every five acres of non-solar equipment. Mr. Ford understood the Board was to affirm that the Ordinance, as published in the Hunterdon County Democrat, complies with the Master Plan. Mr. Ford asked for a motion.

Atty. Maziarz apprised the Board of the time frame for them to take action.

Mrs. Corcoran made a motion that the Board accept the Ordinance, as published, subject to confirmation from the Board Planner that it is consistent with the Master Plan. Mr. Nace seconded the motion.

Vote: Ayes: Mrs. Corcoran, Mr. Nace, Ms. McBride, Mr. Badenhausen, Mr. Ryland,
Mr. Ford

Nays: Mr. Taibi

Plushanski: Green/Cycle of Hunterdon, Block 22, Lots 15 & 15.01, Frontage Road: Quarry License Renewal: Mr. Ford said that at its May 12, 2011 meeting, the Board had denied, without prejudice, applicant's request to renew the license, because of insufficient information. Since that time, Mr. Plushanski submitted new plans. A letter dated June 22, 2011 had been received from the Township Engineer. Mr. Clerico gave an overview of that letter and the Quarry Ordinance. He said this year's proposal is different than the one submitted last year. The limits to the two-acre quarrying operation have been extended to the west on Lot 15 and would be confined to that Lot. Last year the quarry operation Plan showed the operation extending to the south on Lot 15.01.

Mr. Clerico said applicant was entitled to modify a previous proposal. However, the limits of prior work was required to be shown. Applicant had not provided the Insurance Certificate, Narrative, Reclamation Narrative, Performance, and Maintenance Bond Documents for review and approval. Mr. Clerico said the ongoing operation is not consistent with that which was proposed. He said operations are very close to the three-hundred foot riparian buffer. Rock face excavation that was not proposed has taken place and that needs to be documented.

Mr. Clerico had been at the site prior to tonight's meeting. He said there appears to be the beginning of a recycling operation on the property, including stumps and gravel. Mr. Clerico said it also appears that the fifty-foot buffer requirement depicted on the Plan is being violated. He said these were zoning matters. Mr. Clerico said, that based on his report, the application should be considered incomplete.

Mr. Taibi said he had visited the site and noted there was no gate. There were large pieces of equipment related to excavating and a lot of disturbance. Mr. Clerico said the Plan is very clear; however, he observed that the Plan is not being followed. He said the disturbance needs to be documented. Mr. Clerico said he believes applicant has gone beyond the limits. Mr. Taibi asked if the depth of quarrying is limited. Mr. Clerico said the Standards of the Ordinance limits excavation below grades of adjacent properties. That information was not shown on the Plan.

Ms. McBride voiced a concern about the absence of screening. Mr. Clerico said screening was a part of the Plan. Mr. Ford said the only information submitted since the application was denied were new drawings. Mr. Clerico said he reviewed the Quarry Ordinance prior to writing the June 22, 2011 letter. He apprised the Board that they offer a recommendation to the Municipal Clerk that applicant either complies with the Ordinance or that the application be denied. He understood that if the recommendation to the Clerk is to deny the application she provides that information to the Committee. The Committee then schedules a Public Hearing.

Mr. Clerico said in his role as the Township Engineer he would write a letter to the Committee citing his observations that applicant has expanded operations beyond that which was proposed, including violation of the fifty-foot buffer.

Mr. Ford said he understood that the Board should make a recommendation to deem the application incomplete. Mr. Ryland made a motion to deem the application incomplete. Ms. McBride seconded the motion.

Vote: Ayes: Mr. Ryland, Ms. McBride, Mr. Nace, Mrs. Corcoran, Mr. Badenhausen, Mr. Taibi, Mr. Ford

Correspondence: None

Comments from the Public: Steve Hurford was present. He had come to observe Board proceedings.

Mr. Ford said the Board would need to hold an Executive Session to discuss Potential Litigation. Mrs. Corcoran made a motion to go into Executive Session. It was seconded by Mr. Badenhausen. (7:50 p.m.)

Vote: All Ayes

Mr. Ford said the record should reflect that Committeewoman McBride left prior to the Session.

A Resolution providing for a meeting Not Open to the Public in Accordance with the revisions of the N.J.S.A. 10:A-4-12.

WHEREAS, the Planning Board of the Township of Union is subject to the Open Public Meetings Act, N.J.S.A.10: A-4-6, et Seq., and

WHEREAS, the Open Public Meetings Act, N.J.S.A. 10:A-4-12, provides that an Executive Session, not open to the Public, may be held for certain specified purposes when authorized by Resolution, and

WHEREAS, it is necessary for the Planning Board of the Township of Union, assembled in public session on June 23, 2011, in the Union Township Municipal Building, 140 Perryville Road, Hampton, NJ 08827, for the discussion of matters relating to the specific items designated above.

It is anticipated the deliberations conducted in closed session may be disclosed to the public upon determination by the Planning Board that the public interest will no longer be served by such confidentiality.

The Executive Session ended at 8:15 p.m.

Mr. Badenhausen made a motion to return to the regular session. Mr. Nace seconded the motion.

Vote: All Ayes, No Nays, Motion Carried

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Mr. Ford said the record should show that no action had been taken in Executive Session.

He asked if anyone had any other business to discuss. There being none, he asked for a motion to adjourn.

Motion to Adjourn: Mrs. Corcoran made a motion to adjourn. Mr. Badenhause seconded the motion. (8:17 p.m.)

Vote: All Ayes

Grace A. Kocher, Secretary